

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-DETROIT**

IN RE: MARK STEVEN LIVELY,

Case No. 17-41146-TJT

Chapter 13

Judge: Thomas J. Tucker

Debtors.

Debtor's Chapter 13 Confirmation Hearing Certificate

At the next confirmation hearing in this case, the debtor intends to: [Check ONE of the following]

1. \_\_\_ Request confirmation of the debtor's plan, because all timely objections of creditors and the trustee have been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order.

2. **X** Request confirmation of the debtor's plan, even though all timely objections have not been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order. The parties are at an impasse in attempting to resolve these objections despite all reasonable efforts. The following are: (a) the parties whose timely objections have not been resolved; (b) their unresolved objections; and (c) the legal and factual issues that must be resolved by the Court in connection with confirmation:

Trustee Objections:

- 4) The State of Michigan filed Proof of Claim #9 saying tax returns are not filed. Trustee requests Proof return was filed.

*Response:* The State of Michigan Claim #9 is for estimated sales and use tax from a dba Debtor is no longer operating. Bankruptcy Rule 521(e)(2)(B) requires the Debtor to file all **income tax** returns. The debtor has filed all **income tax** returns that have come due. Request Trustee withdraw her non-filed objection.

- 5) The Trustee has a "non-formal objection" requesting interest be paid to Class 9 creditors based upon the liquidation analysis

*Response:* Based upon the liquidation analysis and Debtor's filed Schedules D, E, F, G unsecured creditors would **not** receive 100% in a Chapter 7 liquidation. Request the Trustee withdraw her informal and tardy objection.

- 6) The Trustee requests that she reserves the right to object to Debtor's Schedules I & J in the event the Plan is ever modified to provide less than a 100% dividend.

*Response:* The Order Confirming Plan includes this language.

- 7) The Trustee requests a copy of the divorce decree.

*Response:* Debtor's counsel's last information is that no Judgment of Divorce has been entered.

- 8) Trustee requests Debtor provide treatment for State of Michigan Proof of Claim #9 or object to the claim.

*Response:* The Order Confirming Plan provides treatment for this claim

3. \_\_\_ Request an adjournment of the confirmation hearing due to the following good cause:

4. \_\_\_ Dismiss the case. [The Court will construe this as a motion by the debtor to dismiss the case under Fed.R.Bankr.P. 1017(f)(2), and the Court will enter an order of dismissal and the case will be removed from the docket, unless the case was previously converted from Chapter 7, 11, or 12 to Chapter 13. In that event, a separate motion to dismiss must be filed within 7 days.]

5. \_\_\_ Convert the case to chapter 7. [The debtor must promptly file a separate notice of conversion under Fed.R.Bankr.P. 1017(f)(3), and pay the filing fee for such notice. Such notice of conversion will cause the case to be converted without the entry of an order of conversion.]

/s/Mary L. Enloe  
Mary L. Enloe (P41961)  
Attorneys for Debtor(s)  
Kostopoulos & Associates, PLLC  
31201 Chicago Rd S, Ste. C-102  
Warren, MI 48093  
[law@kostopouloslawyers.com](mailto:law@kostopouloslawyers.com)